

NMB



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1 message

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To: legal@nmb.gov

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RE: PROPOSED CHANGES TO PART 1208

This is a public comment regarding the proposed Freedom of Information Act regulations.

In part 1208.6, the proposed regulations outline a duplication fee of 15 cents per page.

The National Mediation Board should not impose fees of 15 cents per page. These fees are inconsistent with the law that requires that fees reflect actual costs. A more appropriate duplication fee is 10 cents per page or less.

For years, agencies have justified erroneous FOIA duplication fees of 15 or 20 or even 25 cents per page by making comparisons with other agencies, rather than checking their actual average duplication costs. Many of these duplication fee provisions are quite outdated.

However, if the Board staff checked on its actual cost per page of photoduplication using internal equipment, based on the photocopier lease agreements in place, the Board would likely find that the actual cost per page runs somewhat less than 1 cent per page. Even if one factors in the cost of the paper, and ink/toner, and the wage cost of the person to make the copies, this does not climb above 5 cents per page.

Take a typical 200-page stack of photocopies and run them through the machine. Direct cost of duplication is less than 1 cent per page. Direct cost of paper is less than 1 cent per page. Direct cost of ink/toner is less than 1 cent per page. Wage cost at \$20 per hour is less than 1 cent per page. Worst case for total direct costs is four cents per page.

It is inappropriate for the Board to impose duplication fees of 15 cents per page when such fees are disproportionate to the actual calculated costs. Imposing excessive costs is not only legally questionable but serves as a "toll booth", acting as an impediment and obstacle to some interested persons from requesting records.

Several recent FOIA regulations enacted by other agencies have adjusted duplication fees downward to be more in keeping with actual costs as determined by photoduplication contracts and other comparable data.

Therefore, I ask that the Board specify a more appropriate and fact-based duplication fee, such as 10 cents per page, or less, for documents provided as a result of FOIA requests.

Respectfully,

Michael Ravnitzky